

**HISTORIC PRESERVATION COMMISSION
HEARING MINUTES
AUGUST 25, 2011**

Commissioners

Scott Winnette, Chairman
Robert Jones, Vice Chairman
Timothy Wesolek
Gary Baker
Shawn Burns (not present)
Kate McConnell
Stephen Parnes
Brian Dylus, Alternate (not present)

Aldermanic Representative

Michael O'Connor

Staff

Lisa Mroszczyk, Historic Preservation Planner
Christina Martinkosky, Historic Preservation Planner
Scott Waxter, Assistant City Attorney
Joe Adkins, Deputy Director of Planning
Shannon Albaugh, HPC Administrative Assistant

I. Call to Order

Mr. Winnette called the meeting to order at 6:00 P.M. He stated that the technical qualifications of the Commission and the staff are on file with the City of Frederick and are made a part of each and every case before the Commission. He also noted that the Frederick City Historic Preservation Commission uses the Guidelines adopted by the Mayor and Board of Aldermen and the Secretary of the Interior's Standards for Rehabilitation published by the U. S. Department of the Interior, National Park Service, and these Guidelines are made a part of each and every case. All cases were duly advertised in the Frederick News Post in accordance with Section 301 of the Land Management Code.

Announcements

Mr. Jones announced that he would need to recuse himself from HPC11-451 and HPC11-50.

II. Approval of Minutes

1. August 11, 2011 Hearing/Workshop Minutes

Motion: Timothy Wesolek moved to approve the August 11, 2011 hearing and workshop minutes as written.

Second: Stephen Parnes

Vote: 5 - 0

II. HPC Business

There was no HPC Business.

IV. Consent Items

a. Cases to be Approved

b. Cases to be Continued

V. Cases to be Heard

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| 2. HPC10-440
Construct covered patio
<i>Lisa Mroszczyk</i> | 230 W. Patrick Street | Way Station, Inc.
Vince Anibaldi |
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Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the construction of a covered 12'x16' concrete patio at the rear of a non-contributing resource dating from 1990-1991. The freestanding structure will consist of 6"x6" wood posts and a shed roof with pre-finished aluminum standing seam metal roof.

The design has been revised since the application was first reviewed at the hearing on December 9, 2010. This application was continued several times at the applicant's request.

Applicant Presentation

Vince Anibaldi, representing Way Station, Inc., concurred with the staff report.

Commission Questioning/Discussion

Ms. McConnell asked if the pre-finished roof was going to be white. Mr. Anibaldi answered yes. Ms. McConnell asked about the reasoning for the white roof. Mr. Anibaldi answered that the green house that is behind it is white and there are light reflectors on the back of the building that are white so they wanted to carry the theme through.

Mr. Jones asked if the structure was going to go right over the existing drainage area. Mr. Anibaldi answered that it would be going next to it.

Mr. Winnette stated that this application fits better than the previous.

Public Comment – There was no public comment.

Staff Recommendation

Staff recommends approval of the application to construct a covered patio at the rear of this non-contributing structure according to drawings A-1 and A-2 stamped "Received Aug 3 2011" with the condition that the final roof selection be submitted for staff approval.

Motion: Timothy Wesolek moved to approve the application according to drawings A-1 and A-2 stamped "Received Aug 3 2011" with the condition that the final roof selection be submitted for staff approval because the project is compatible with the character of the district and is consistent with the Frederick Town Historic District Guidelines in respect that the design is simple and obtrusive in its form and is appropriate given the design of the primary structure.

Second: Stephen Parnes

Vote: 5 – 1, Gary Baker opposed

3. HPC11-451
Demolish 2nd story addition
Lisa Mroszczyk

109 E. 3rd Street

Jeffrey & Ellen Roehl
Lea Allen, agent

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the demolition of a c. 1970 frame addition extending from the second floor of the rear wing and raised on steel columns. The addition includes a pressure-treated wood staircase encased with plastic lattice. The replacement plan is being reviewed in case HPC11-501 and includes restoring the porch and underlying brick wall.

Applicant Presentation

Lea Allen, representing the owners of 109 E. 3rd Street, concurred with the staff report.

Commission Questioning/Discussion

Mr. Winnette agreed with staff.

Public Comment – There was no public comment.

Staff Recommendation

Staff recommends the Commission find the c. 1970 frame addition and associated staircase to be non-contributing to significance of the Frederick Town Historic District and approve its demolition subject to an approved replacement plan.

Motion: Scott Winnette moved to find the frame addition to be non-contributing because it is a portion of the building that does not help define the historic district and does not add historic architectural value to the historic district.

Second: Gary Baker

Vote: 5 – 0

Motion: Scott Winnette moved to approve the demolition of the 1970 frame addition and associated staircase subject to an approved replacement plan.

Second: Timothy Wesolek

Vote: 5 - 0

4. HPC11-501**109 E. 3rd Street****Jeffrey & Ellen Roehl**

Reconstruct porch and brick wall

Lea Allen, agent***Lisa Mroszczyk*****Staff Presentation**

Ms. Mroszczyk entered the entire staff report into the record and stated that this application serves as the replacement plan for the demolition proposed in HPC11-451 and concerns the following rehabilitation work:

1. Removal of brick from a former opening in the first floor east wall of the rear brick addition and installation of a new 1/1 single hung wood window in that opening.
2. Rebuild the second floor east wall of the rear brick addition that will be exposed by the demolition of the frame addition (HPC11-451) to include a four panel door and a 1/1 single hung wood window that will correspond with the first floor openings.
3. Rebuild the porch in the area where the frame addition will be removed. The extended porch will match the existing porch.
4. Remove a non-original casement window in the first floor east wall of the ell and reconfiguring the opening for a single hung wood window.
5. Replacing the gutters and downspouts with new round profile galvanized gutters and downspouts.
6. Repointing with a lime-based mortar as needed.

NOTE: Per the Minor Rehabilitation List, HPC approval is not required to replace a concrete sidewalk with a brick sidewalk.

Applicant Presentation

Lea Allen, representing the owners of 109 E. 3rd Street, stated that they are trying to go back to a more original profile. The house has been altered in a lot of ways and this is the homeowner's first attempt in improving the property. She asked what the preference would be as far as whether the door was a raised four panel or raised six panel door. She asked if she would be able to increase the height of the window to keep it the width of the existing opening to get as much light into the kitchen as possible. Ms. Mroszczyk answered that a four or six panel door would be fine. She added that they submitted a four panel door with the application and the existing six panel doors are not original, but it would be fine to match those six panel doors. Ms. Mroszczyk stated that her original recommendation for the replacement window in the location of the casement window would remain as previously stated.

Commission Questioning/Discussion

Ms. McConnell asked for clarification as to what the applicant wanted to do with the replacement window. Ms. Allen stated that there is a casement window that is being removed in an existing opening and she wanted to maintain the width of that window and increase height of it to the existing. So it would not be in proportion with the rest of the windows. Mr. Baker asked how much taller they would like to make the window. Ms. Allen answered that they would like to take the sill down about 5'-5". Mr. Baker asked if it would line up with the other double hung window if the sill was dropped. Ms. Allen answered that it would. Mr. Baker stated that he would not want the new window to exceed the existing window. Mr. Baker asked if it was going to be a brick or wooden sill. Ms. Allen answered that she was going to match the rest and she believed the rest were brick.

Mr. Baker stated that the drawings for the replacement of the porch ceilings were not accurate and asked if new drawings were going to be submitted. Ms. Allen stated that she could correct that and submit the new drawings to staff.

Mr. Baker asked if it was a wood frame wall with a brick veneer. Ms. Allen answered yes. She added that this is the new one and she is going over an existing brick wall in both situations. She thought that

previous owners left the original roof but they removed all the brick in the middle. There is a beam in the roof and a hump in the middle of the floor. She thought the brick was coming right up to the bottom of the floor based on the settlement around it but she could not be certain until the demolition of the addition.

Mr. Parnes asked the applicant if she knew what product the standing seam metal roof used for spot replacement would be. Ms. Allen answered that they will need to come back to do more work on the roof because there is considerable damage. They know for certain that the first foot or so of the roof is really bad but as far as how much further they would need to go is yet to be determined. The current roof is hand crimped tin that has been painted

Mr. Baker asked if they would be adding a new brick veneer somewhere in the opening. Ms. Allen answered that they will need to put the brick veneer in the spot on the wall where the addition is going to be removed. Mr. Baker asked if the Commission was going to require an inset to show evolution or are they going to ask them to feather in the bricks at the existing wall line. He stated that typically when they fill in windows or doors they are set back an inch to show that there was a former opening there. He added that having the vertical brick there will demark it to a point but brick size and joints was not discussed other than to match the existing but there is a brick pattern and header courses in there and items such as that which are not in the drawings or the drawing notes. Mr. Winnette stated that in his reading of the application they are trying to restore what was there previously. He added that in his opinion they would need to distinguish it as new construction but rather as restoration. Mr. Baker stated that everyone's opinion on restoration/rehab is different so he felt it should be listed as to how they are going to approach this so they can recognize what was approved. Ms. Allen stated that she could add that to the amendments on the drawings for staff and her intent would be to tooth in at the corner when it turns. She did not know that they did when they demolished the original brick wall. You cannot see any evidence on the rear of having been chipped or destroyed beyond the existing wall.

Ms. McConnell asked the applicant if they were amenable to restoring the first story window to the original location and size. Ms. Allen answered that she is bound by what they decide she needs to do but her strong preference is to be able to keep it with the width of the existing opening. Mr. Parnes asked if the original lintel would be used in the window. Ms. Allen answered that they will be using the original lintel in the window opening that has been bricked in.

Public Comment – There was no public comment.

Staff Recommendation

Staff recommends approval of the application as consistent with the *Frederick Town Historic District Design Guidelines* with the following conditions:

- The window replacing the non-historic casement window matches the height and width of the existing window in that section with lintels and sills to align.
- The new wood door includes raised panels as opposed to flat panels and is submitted for staff approval.
- The new wood door is installed in the new opening in the same manner as the first floor door including trim and placement within the frame.
- The remaining wood lintel above the existing bricked opening is retained in place when the new window is installed in that location and all other new windows and doors have wood lintels and sills to match the existing.
- Visible pressure-treated wood is not used in the reconstructed porch.
- All mortar joints are cleaned using hand tools only.

Materials to be approved:

- Drawings A-1, A-2, A-3 and S-1 dated 7-25-11
- Written Scope of Work
- Weather Shield HR 175 Historic Single Hung wood windows with adobe/brown spacer bars
- Schlage Plymouth Door Knob- Matte Black
- Sea Gull Lighting Jamestowne Small Black Outdoor Wall Lantern
- Round profile galvanized metal gutters and downspouts
- A lime-based mortar

Motion: Kate McConnell moved to approve the application as consistent with the *Frederick Town Historic District Design Guidelines* with the following conditions:

- The window replacing the non-historic casement window matches the height of historic windows in the ell and width of the existing casement opening.
- The new wood door includes raised panels as opposed to flat panels and is submitted for staff approval.
- The new wood door is installed in the new opening in the same manner as the first floor door including trim and placement within the frame.
- The remaining wood lintel above the existing bricked opening is retained in place when the new window is installed in that location and all other new windows and doors have wood lintels and sills to match the existing in materials and dimensions.
- Visible pressure-treated wood is not used in the reconstructed porch.
- All mortar joints are cleaned using hand tools only.
- The brick and mortar to be used in the second floor in-fill is approved by staff and should match the brick coursing, pattern, dimension, texture and color of the existing brick.

Materials to be approved:

- Drawings A-1, A-2, A-3 and S-1 dated 7-25-11
- Written Scope of Work
- Weather Shield HR 175 Historic Single Hung wood windows with adobe/brown spacer bars
- Schlage Plymouth Door Knob- Matte Black
- Sea Gull Lighting Jamestowne Small Black Outdoor Wall Lantern
- Round profile galvanized metal gutters and downspouts
- A lime-based mortar
- Drawings submitted to staff showing the changes recommended by the Commission.

Second: Timothy Wesolek

Vote: 5 - 0

5. HPC11-459

32 S. Court Street

Tim Ambrose

Repainting with grinder and Type S mortar

Christina Martinkosky

Staff Presentation

Ms. Martinkosky entered the entire staff report into the record and stated that the applicants are seeking approval to repoint the residential building located at 32 South Court Street. The proposed work includes using an 4" grinder to remove bad brick and mortar joints. The contractor plans to use Brick-Loc type S mortar that is mixed with Chaney sand.

Applicant Presentation

Tim Ambrose, one of the owners of 32 S. Court Street, stated that they have owned the building for over 20 years and he has been in charge of it for the last year. There are two vertical fractures in the front of the building from the second floor window to window and from the second floor window to door. He added that there are approximately 8 to 10 other bricks that have deteriorated. The building was originally painted red and he would like to repaint it the same color but he does not want to do that with the structural integrity of the brick on the house. He said that if you hand chisel that much brick you will do damage to the brick but if you take a grinder and put it at the proper depth and do only the horizontal joints and do the vertical joints by hand you will do a better job.

Commission Questioning/Discussion

Mr. Baker stated that the Guidelines are written by experts who have done this for years. He said he has seen it done both ways and once the brick is cut by an erratic saw cut the brick is ruined and hand chiseling is not a guarantee either but it is a more controlled tool that has been proven more times than not to not damage the brick. He added that he would have to look at the brick again to see what he felt about the painting of the brick. He thought that the removal of the Portland cement would be good but it all needs to be done by hand. You do not take out the all mortar when repointing you only take out the loose, cracked and damaged mortar on the building.

Mr. Winnette asked if the entire building does in fact need to be repointed. Jerome Moore, masonry contractor for the project, answered that if the applicant is able to repaint it then the building should be power washed so you can tell if the mortar joints are weak or fake. If you just paint over them a year from now the joint could break or crack so this way you could repair all joints that need to be done. He added that the more you beat and hammer with a chisel on broken brick you would crack the brick all around it. Mr. Baker stated that this brick probably could be a brick that could be painted without causing damage to it. He said that when the mortar gets so strong that you really have to pound on the brick that mortar is good and the more you pound you are going to break the brick and that is why they do not recommend removing anything that is not cracked, damaged or worn away.

Ms. McConnell asked if the replacement of some deteriorated brick was part of this application. Mr. Ambrose answered yes. Ms. McConnell asked if the bricks would be replaced in-kind. Mr. Ambrose answered that everything that is deteriorated with be replaced in-kind. Ms. McConnell stated that this application is bigger than just repointing since they are proposing to power wash and replace bricks and there are pieces that the applicant wants done that are not included on this application. She suggested continuing the application so that the whole application should come together so they understand what the applicant's wants the outcome to be because power washing is not something that meets the treatment for brick in the Guidelines. Mr. Ambrose agreed to continue the application so he could make those amendments.

Public Comment – There was no public comment.

Staff Recommendation

Staff recommends denial of this application as the proposed method of removing bad brick and mortar joints and the use of masonry cement may cause irrevocable damage to the building.

Motion: Gary Baker moved to continue the application to the September 22, 2011 hearing.
Second: Timothy Wesolek
Vote: 6 - 0

6. HPC11-468**204 S. Carroll Street****Linda Stanton French**

Install skylight

*Christina Martinkosky***Staff Presentation**

Ms. Martinkosky entered the entire staff report into the record and stated that the applicant is seeking approval to install a Velux GPLS06 skylight on the rear (east) slope of the principal roof. The centrally-placed window requires a rough opening of 45 1/4" x 46 7/8". The two-story structure is capped by a side-gabled roof covered in standing seam metal and features a two-story rear ell with a sloped roof.

Applicant Presentation

Linda Stanton French, the applicant, concurred with the staff report.

Commission Questioning/Discussion

There was no Commission questioning or discussion.

Public Comment – There was no public comment.

Staff Recommendation

Staff recommends approval of this application as depicted on drawing dated July 28, 2011.

Motion: Kate McConnell moved to approve the application according to what is depicted on the drawing dated July 28, 2011.

Second: Gary Baker

Vote: 6 - 0

7. HPC11-470**100 E. Patrick Street****Anson Smith**

Install steps and railing

Barry McNeill, agent*Christina Martinkosky***Staff Presentation**

Ms. Martinkosky entered the entire staff report into the record and stated that the applicant is seeking approval to install concrete steps leading to a secondary entrance located on the rear (south) elevation of the building. It will replace a concrete step that does not have a railing. The proposed alteration will include three concrete steps and will feature metal railings on both sides. The material and style of the proposed railing can be found on the rear elevations of other commercial buildings in the area (such as the example provided at 26 East Patrick Street).

Applicant Presentation

Barry McNeill, representing Anson Smith regarding 100 E. Patrick Street, stated that they just want to put in entrance and exit from the back door.

Commission Questioning/Discussion

Mr. Winnette asked if there would be any excavation or will the three steps fit exactly where they would like them to go. Mr. McNeill answered that there would be no excavation.

Mr. Baker asked if the steps would be level with the floor level. Mr. McNeill answered that they would be at the floor level. Mr. Baker asked if the steps were going to cover up the brick row lock sill. Mr. McNeill answered that they could do that or they could drop it 7 inches below the brick. The only difference would be which step would get stepped on next so if the Commission would like to keep that course it could be

done that way. Mr. Baker suggested that they do not cover the brick sill because that is a character defining feature of the building. Mr. McNeill agreed.

Ms. McConnell asked if they were going to remove the existing concrete and then re-pour it as two steps or are they just going to pour a new step. Mr. McNeill answered that they are going to re-pour it as two steps because the existing step is down very far and small and it is nowhere near being up to code. Mr. Baker asked if they were going to put a bond between the newly poured concrete and the existing stone wall. Mr. McNeill answered yes.

Mr. Baker stated that since the door does open out and it is an egress door there may be a code requirement that would need to make the door flush to the landing. So if the door really does swing out, which it looks like it does, there may be another issue. Mr. Baker suggested allowing the applicant the option to cover the brick course of there is a code issue.

Public Comment

Diana Kalinowski, the tenant for the building, stated that she has not seen the plans for this project but from hearing this she understands that there is no landing so they would have a door that swings out with no landing.

Staff Recommendation

Staff recommends approval of this application as depicted on drawings received by staff on August 4, 2011.

Motion: Kate McConnell moved to approve the application with the following conditions:

- A bond breaker will be installed between the new concrete step and the existing brick and stone wall.
- The top step be removed and the new concrete begin 7 inches below the existing threshold and creates a 22 inch deep landing.
- If building code requires reconfiguration of the steps and railing as proposed the revisions should be submitted to staff for approval.

Second: Timothy Wesolek

Vote: 6 - 0

8. HPC11-473

149 W. Patrick Street

Tracy S. Bush

Secure bronze statue to patio area

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the installation of bronze sculpture measuring 8'-8"x6'-0"x3'-0" along the west side of the rear wing in an area of brick paving. All anchoring will be below grade and will not be visible at the surface.

Applicant Presentation

Tracy S. Bush, the owner of 149 W. Patrick Street, stated that he would just like to anchor it for the safety of the public.

Commission Questioning/Discussion

Mr. Baker stated that the statue would be blocking the basement door on that property. Mr. Bush agreed and stated that they could move the statue over about 2 inches if that is an issue with the Commission.

Public Comment – There was no public comment.

Staff Recommendation

Staff recommends approval of installation 8’-8”x6’-0”x3’-0” bronze sculpture at the rear of the building’s main block with all anchoring elements located below grade.

Motion: Timothy Wesolek moved to approve the installation of the 8’-8”x6’-0”x3’-0” bronze sculpture at the rear of the building’s main block with all anchoring elements located below grade.

Second: Gary Baker

Vote: 6 - 0

9. HPC11-474

Downtown & Carroll Creek Park

City of Frederick

Install Heritage Trail markers

Kara Norman, agent

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the installation of 30 bronze plaques commemorating various aspects of Frederick’s heritage throughout downtown and Carroll Creek Park. The plaques will primarily be installed flush with the sidewalk or existing walkways and will not exceed 16 inches in height or width.

Applicant Presentation

Kara Norman, with Downtown Frederick Partnership, concurred with the staff report.

Commission Questioning/Discussion

Mr. Winnette asked if most of them were throughout Carroll Creek Park. Ms. Norman answered yes and went on to say that when the Tourism Council applied to Preserve America to fund the exhibits inside the new Visitor Center they were gracious enough to allow them to tack onto that application and apply with them and at that point they used Carroll Creek Capital Improvement Funding as the match therefore in the grant money that is funding this project is tied to the new Visitor Center and pathways along Carroll Creek that lead into Downtown so the funding source provides them with the location of the markers. Mr. Winnette asked how they determined the locations for the markers that are not placed in Carroll Creek Park. Ms. Norman answered that they convened a group of local historians and they were given the context of what they were looking for along with information about the funding source and their desire to focus more on average history.

Mr. Winnette asked why the “Fire Pumper” marker was not placed in front of a fire house. Ms. Norman answered that the most appropriate firehouse to place it in front of is the one on S. Market Street and there is already interpretive information there so it was her understanding from the historians that they wanted to spread out that information and it also helps them from a trail perspective lead into the downtown area. She said that if the Commission would like to see it moved there would be no issue with that.

Mr. Winnette asked if they could provide a foot note on the sign in front of the new library that is referencing the old library to tell where the old library was located. Ms. Norman answered that it is possible to add a foot note.

Mr. Wesolek asked what would prevent the markers that are installed in the sidewalk from getting damaged during the winter months when sidewalks are shoveled. Ms. Norman answered that they are

designed to be slightly below the sidewalk so that should get you out of the shovel issue and not into the tripping issue.

Ms. McConnell asked if marker 3 would be in the brick sidewalk. Ms. Norman replied that they could tell them where it would be based on the current design of Carroll Creek but the City is trying to figure out what they can and can't do with that particular sight. Their original vision was that there is a fountain proposed for the upper level that will relate to the galleria so that was the original plan for that but at this point they are waiting to what City decides to do with that area.

Mr. Baker asked if they would see other submissions for this to see better graphics. Ms. Norman answered that the Public Art Commission has reviewed them and it is her understanding that their purview is primarily on the artistic side. What happens with this particular artwork is they only go so far with the sketches because that is not their preferred medium. They are sculpting these out of clay and that is where all the detail and real work happens so that is why she gave the Commission the additional information so that they can project where it is going to go.

Public Comment – There was no public comment.

Staff Recommendation

Staff recommends approval of the application because it is consistent with the Commission's *Guidelines* regarding the material, scale and placement of historic or commemorative markers with the condition the following items are submitted for staff approval:

- The final locations of markers 3 and 25
- The final dimensions and location of marker 28
- The final dimensions of marker 30

Motion: Scott Winnette moved to approve the application because it is consistent with the Commission's *Guidelines* regarding the material, scale and placement of historic or commemorative markers with the condition the following items are submitted for staff approval:

- The final locations of markers 3 and 25
- The final dimensions and location of marker 28
- The final dimensions of marker 30
- That marker 11 be moved in front of the correct fire station
- That a footnote be added to marker 7 referencing the historic library

Second: Kate McConnell

Vote: 6 - 0

10. HPC11-507

Amendments to Level II approval

Lisa Mroszczyk

618 N. Bentz Street

Housing Auth. City of Fred.

Mike Murphy, agent

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that the applicant is seeking approval for post-construction amendments to a Level II approval for new construction. These amendments include the construction of a wood trellis in the rear yard and modifications to the rear stoop design including railing details and decking materials.

Applicant Presentation

Mike Murphy, with Nexus Energy Homes, stated that in regards to the trellis in the rear of the home they felt that the addition of the trellis would give homeowner's not only an opportunity for shade but in add a positive aesthetic appearance to the rear of the home. This was something they did after surveying with potential buyers and they were very much in approval of this design. He went on to say that they think it helps improve the landscape of the house. In regards to the rear deck he stated their understanding was the Guidelines that were approved through the Commission were not upheld and they are in full agreement that they will replace those to be compliant with Guidelines.

Commission Questioning/Discussion

Ms. McConnell asked the applicant if they would be willing to with the tongue-and-groove or would they want to keep the painted pressure-treated wood. Mr. Murphy answered that he is open to the Commission on that. He would like to keep it the way that it is so they can convey this property but at the same time if the Commission feels that it should be tongue-and-groove he would go with that.

Mr. Baker asked if the applicant would be willing to paint the trellis. Mr. Murphy answered that they would have no problem with going with the staff recommendation on that but they would like the wood to cure a little bit before they apply the paint or stain.

Mr. Jones stated that he had concerns with the 6x6 posts being exactly in front of the windows because it is not aesthetically pleasing when they are blocking the actual casing of the exterior windows with a 6x6 post. He thought it was very distracting and did not like the cohesiveness that it conveys. Mr. Murphy stated that in regard to the posts being right in front of the trim for the windows they could not impede on the area for the meters and the meters are required to be there based on where services come in.

Ms. McConnell stated that she did not think it was cohesive to have this small deck/landing area underneath a bigger pergola. She could see having a larger surface for the deck but she did not think that was a direction that they would want to go. Mr. Murphy stated that the deck was already in and that would have been part of the house regardless. The size and shape of the deck was originally part of it and this was not their design. The pergola was designed to try to enhance the whole rear area and unfortunately there is not a lot of room to move with that deck. Mr. Winnette asked if it would possible to move the pergola away from the house a bit. Mr. Murphy replied that there is an issue with the parking pads at that point. This was also designed to be short of the parking pads.

Mr. Winnette asked what options the applicant could present to them in future cases to prevent the post for the pergola being in front of the window. Mr. Murphy answered that they could move that post away from the trim maybe 6 inches towards the door.

Ms. McConnell stated that she did not see in any of the drawings how the porch railings would be finished. Mr. Murphy answered that they would be finished per the approved drawings. The way that front rails are constructed is the way they want to back rails constructed so that is how they will be constructed. Mr. Winnette stated that it was not in the packet but in the previous approval there was a diagram that dictates what it is going to look like. Mr. Murphy answered yes.

Mr. Parnes stated that he had concerns with the fact that the applicant is coming before the Commission for post construction approval for the trellis and he thought that the show home could have been a show home without the trellis.

Mr. Winnette stated that he was appreciative of the applicant's willingness to bring the porch stoop into compliance with what was previously approved but he was reluctant to consider the pergola just because

of its placement to look like something that was put up without approval. He added that staff is recommending approval of the pergola in this particular case and that does not mean the staff would say the post in front of the window framing would be appropriate in future cases.

Public Comment

Shelley Aloï, 1102 Belmont Avenue, stated that her memory of where this project is happening is as a housing development where kids that fought with her in school lived and where a lot of people were afraid to go. It was an African American community which prior to it now being included in the historic district was not even deemed worthy of being part of the historic district. The little corner where this project is was cut out because it wasn't acceptable. She went on to say that her perspective of this is that now this area is included in the historic district and it is a project being looked at nationwide. They are seeing the Washington Post address this project and the Governor is coming to Frederick to meet with the applicant about this project because it is a flag ship product gathering nationwide attention. She added that she wondered what type of judgment they should use when they look at this project. She thought the Code 66B said that new construction should not be judged strictly and her interpretation on the things that she has been hearing is that it is being judged very strictly. She added that she understood the Commission's demands and she understood what they need to look at but she asked the Commission to consider the fact that the community has been transformed from what it was when making their decision.

Kevin Lollar, Director of Development for the Housing Authority of the City Of Frederick, thanked the Commission for working with them with the solar panels for this project. He has watched the Commission change over the years and he appreciated them going out and being progressive in their thinking in dealing with this particular project. He apologized for the putting up the trellis before getting approval from the Commission. It is there now and beautiful and they have had nothing but positive remarks about these homes. He thanked Shelley Aloï for reminding people that 5 or 6 years ago this area was not even in the historic district and was neglected by the City and it wasn't until they took down Taney that they decided this should be part of the district. He thought that everyone there understood how important this project is to the City of Frederick and to changing that community. He guaranteed that the developers will not do anything that would affect the historic district without coming before the Commission first in the future.

Staff Recommendation

Staff recommends approval of the wood trellis with the condition that it be painted or stained with a solid color opaque stain that conceals the wood grain and resembles a paint finish.

Staff recommends approval of the following aspects of the rear wooden stoop because they do not impact the integrity of the overall design or streetscape because they are located on the rear of new construction:

- Removal of the beaded wood skirt with the condition the a non-pressure-treated wood 1x wood trim board be installed that conceals the framing; and
- Pressure-treated 1x decking as installed with the condition that it is painted or stained with a solid color opaque stain.

Staff recommends denials of the following aspects of the rear wooden stoop because they do not reference details, historic motifs and patterns of surrounding historic buildings:

- Pressure-treated wood for all elements of the railing not including posts that are in contact with the ground;
- Pickets that are tacked on to the exterior of top and bottom rails;
- Open risers at the stairs; and
- 6x6 posts at the base of the stairs.

Motion: Scott Winnette moved to approve the wood trellis with the condition that it be painted or stained with a solid color opaque stain that conceals the wood grain and resembles a paint finish and as the applicant has offered the rear wooden stoop be brought into compliance with the previous approval.

Second: Timothy Wesolek

Vote: 4 – 2, Gary Baker and Robert Jones opposed

11. HPC11-508**620 N. Bentz Street****Housing Auth. City of Fred.**

Amendments to Level II approval

Mike Murphy, agent***Lisa Mroszczyk*****Staff Presentation**

Ms. Mroszczyk entered the entire staff report into the record and stated that the applicant is seeking approval for post-construction amendments to a Level II approval for new construction. These amendments include:

- The construction of a wood trellis with 10 solar panels in the rear yard.
- Modifications to the rear stoop design including decorative metal railing details and changes to decking materials.
- Installation of an 18'-9" by 8'-6" brick paver patio in the rear yard.

NOTE: The remaining 10'-5" by 5'-0" patio and walkway are required to be removed once the property is sold and the area returned to parking as required by the site plan and is therefore not a part of this application.

Applicant Presentation

Mike Murphy, with Nexus Energy Homes, stated that with this being the true show home of the community it was part of the trellis because they were both built at the same time and this was part of making the back look similar. The purchaser of this property is very energy efficient minded and they asked if they could install additional panels on the trellis to offset additional electrical use so they can be more carbon neutral in this particular home. The structure could support up to ten panels of the same size and design as the panels that are on the current structure. He went on to say that for the modifications to the rear stoop they have used all of the approved materials but they did install a decorative metal railing to the rear stoop in an effort to show the homeowners it would be an option on the rear and front of the homes. He thought the railing enhanced the rear porch and hoped the Commission would feel the same way. The brick/paver patio was part of the landscaping of the package and it is a very beautiful hardscape and landscape area. He said that the landscaping and hardscaping that is there now would not allow for parking but they have agreed with staff that when they convey that property they would adjust the landscaping/hardscaping to allow for the parking pads to be installed. Mr. Murphy went on to say that on the 1x decking on the top of the rear porch staff asked if it could be painted or stained but he would like to put a clear coat on the decking because the wood is a beautiful grained wood.

Commission Questioning/Discussion

Ms. Mroszczyk asked if the decking was tongue-and-groove or is it not pressure-treated but just 1x decking. Mr. Murphy answered that it is not tongue-and-groove but it is a very fine wood and in an effort to not show the screwing in the top there is a tracking system underneath.

Mr. Jones asked if the metal railing was going to be used on wood for a rear entryway. Mr. Murphy answered that if the Commission felt it would be appropriate in the way the materials have been used they could keep it the same and only offer it in that form. They just wanted to show it because they wanted to

possibly be able to have it on the front of the home and in this particular case they did not want to put it in the front of the home because it was not approved for in the front of the home. Mr. Jones suggested putting the railing into context and then bring it back to the Commission and get approval for it. Mr. Wesolek asked if they would like to keep it the same until the home is bought and then they would bring it into compliance. Mr. Murphy answered that he would not be sure if the buyer would want that to happen. They may really like it just as everyone that has come to that home has. Ms. McConnell stated that she had an issue with allowing this rear porch design to remain because then everybody would want it as an option but it is a porch that does not meet the Guidelines so they are asking the Commission to approve something that does not meet the Guidelines. Therefore the expectation could be that it is approved. Mr. Murphy stated as the Guidelines also stated as new construction they are asking for some leniency in design. They have to accommodate to their buyers desires because without buyers this would not go anywhere. Mr. Winnette stated that he has been on the Commission for this entire project and it has received extreme leniency in material choices and they are not asking them to replicate historic homes here. He agreed with the staff report that the rear porch needs to respond to the neighborhood and there is the hierarchy because everyone loves the rear porch more than the front porch and the front façade should be the better façade.

Mr. Winnette stated that a pergola did not seem like the right structure to put a solar panel on. He thought that a shed roof would be better for a solar panel. Mr. Winnette asked where the water that accumulates on the solar panel when it rains was going to go. Mr. Murphy answered that there would not be a significant amount of water that would be coming off the solar panels and they are not going to create some sort of flow of water off the panels. They are going to drip as the pergola or trellis would drip. He added that they thought this created some much needed shade and the buyers like the fact that there is going to be some shade back there. Mr. Winnette asked why they picked this type of structure if they wanted shade. Mr. Murphy answered that the trellis was already intact when the purchasers came to buy this home so they felt that they would like to put the solar on there.

Mr. Baker stated that they needed to focus on what was important for the community, the houses and architecture that is there. He added that it is new construction and if they want to mess it up then let them do it but it is not following the Guidelines so if they are going to try to help them out with what is before then the Commission needs to focus on the big stuff because the trellis is too big.

Mr. Parnes stated that he also had concerns about the water coming off of there and whether it is going to end up on the porch next door and whether something has been done to test that it is not going to be pouring on the porch next door. Mr. Parnes asked if the buyer for the house next door has been told that there will now be shadows that may be cast across their yard and porch because of something that is suddenly going to be added on to the house next door. Mr. Murphy replied that he has not had any problems with the purchasers of Lot 9 which is 618 N. Bentz Street. They know what they are proposing and the buyer had no problems. He went on to say that they are talking about a 4 ½ to 5 foot run so they are not talking about a lot of water running off and it is not going to fly off of there.

Mr. Parnes stated that he had concerns with the use of mismatched materials in a historic district that does not work with each other in regard to precedent, tradition and the Guidelines.

Ms. McConnell stated that the Guidelines clearly state that “All visible wood structures must be painted or stained with a solid color opaque stain that resembles a paint finish and conceals the wood grain” so it is not just pressure-treated it is all wood. Ms. McConnell thought the Commission would have the option to go back to what was originally approved for the rear porch which would be tongue-and-groove to be painted. Ms. McConnell asked if the wood that was used was a rain forest wood. Mr. Murphy answered that it is a different type of wood that is a very beautiful wood. It is called cumara wood and it is from the cumara tree. Ms. McConnell asked if it was a wood that is promoted for exterior use without being

painted or stained. Mr. Murphy answered yes that it is an extremely strong and durable wood. Mr. Winnette asked if they would be able to use this type of wood for the wooden rails on the porch. Mr. Murphy answered yes.

Mr. Murphy stated that he wanted to withdraw the metal railings from the application.

Public Comment – There was no public comment.

Staff Recommendation

Staff recommends approval of the wood trellis with a maximum of 10 solar panels to match angle shown on the application materials with the condition that it be painted or stained with a solid color opaque stain that conceals the wood grain and resembles a paint finish.

Staff recommends approval of an 18'-9" by 8'-6" brick paver patio in the rear yard.

Staff recommends approval of the following aspects of the rear wooden stoop because they do not impact the integrity of the overall design or streetscape because they are located on the rear of new construction:

- Removal of the beaded wood skirt with the condition that the visible portions of the pressure-treated posts are painted or stained with a solid color opaque stain.
- 1x decking as installed with the condition that it is painted or stained with a solid color opaque stain.

Staff recommends denial of the decorative metal railings on the rear stoop because they do not reference details, historic motifs and patterns of surrounding historic buildings.

Motion: Kate McConnell moved to approve the application of a pergola with 10 solar panels to match the angle shown on the application materials with the condition that it be painted or stained with a solid color opaque stain that conceals the wood grain and resembles a paint finish as well as the 18'-9" by 8'-6" brick paver patio in the rear yard and to approve the following aspects of the rear wooden stoop because they do not impact the integrity of the overall design or streetscape because they are located on the rear of new construction:

- Removal of the beaded wood skirt with the condition that the visible portions of the pressure-treated posts are painted or stained with a solid color opaque stain.
- The existing decking be clear coated as it is a wood that is used to be shown as a untreated grain wood.

Second: Timothy Wesolek

Vote: 4 – 2, Gary Baker and Robert Jones opposed

12. HPC11-509

Amendments to Level II approval

Lisa Mroszczyk

18 Lord Nickens Street

Housing Auth. of City of Fred.

Mike Murphy, agent

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that the applicant is seeking the following amendments to a Level II approval for new construction:

1. Installation of a fixed awning with standing seam metal sheathing over the rear entrance. The awning will match a design previously approved for other properties within the development.

2. Installation of a window in the west gable end for egress purposes.
3. Installation of a paired window on the first floor east side of the building to match the paired window approved for the west side of the building.
4. Shifting the location of the rear door and eliminate the window on the first floor rear.
5. Changing the style of the rear door from a four panel door to a half light door.
6. Enlarging windows on the second floor on the east side of the building.
7. Eliminating the vents in the gable ends.
8. Reducing the size of the center window on the second floor of the west wall.
9. Installing three additional egress windows at the basement level on the east side of the building.

Applicant Presentation

Mike Murphy, with Nexus Energy Homes, stated that based on the purchaser of this home their intention was to realign the interior of the home to better fit their family needs and desires. He stated that in an effort to do that some rooms have shifted in the interior therefore somewhat forcing them to shift windows around to align better with the rooms and make the rooms work. He went on to say that the awning was to block the rain and to get out of the weather when they were coming up to the back of the house. They have an approved design for that awning and it is just a shed style awning off the back door. In regards to the windows he concurred with staff. He added that the reason for the door being off-set from the window above on the rear of the home is due to the fact that this purchaser needed extra storage space and there was a pantry that was installed in that area that gave them the extra space therefore it pushed that door over to where it is now. He stated that they were in agreement to add a window to that south side that would match the size of the window on the west side of the house which is a W-5. They would position it in such a manner that it would be off of the corner and still work within the design of the kitchen. Mr. Murphy went on to say that they are not looking for three more egress windows in the basement. They are only looking for non-egress windows. They are just hopper style windows that would be in the basement to allow more light in to the home through the west side of the house so they will not be full trenched drainable egress windows. They were also in agreement with staff on all other movements of windows and additions.

Commission Questioning/Discussion

Ms. McConnell asked if the basement windows they were proposing would have the brick lintel that is shown on the approved drawing. Mr. Murphy answered yes.

Ms. McConnell asked if the two upper windows on the east elevation would have arched lintels. Mr. Murphy answered yes. Ms. McConnell asked where they were proposing to put the W-5 window on the rear. Mr. Murphy answered that based on the layout of the kitchen in that area they are going to put it in the corner to be similar to the east side corner. It may not be in exact dimension away from the corner as the east side but it will be off of that corner. Ms. McConnell asked if it would have any relationship with the window above it as in will it be aligned with it or centered in the middle of it. Mr. Murphy answered that it would not be aligned with it because if it were they would not have room for a stove so it will be closer to the corner than the window above it.

Mr. Winnette asked if they would be able to pull both upstairs windows to the left and to the right so that the right window aligns with the door as they want it and the left windows aligns with the placement of the downstairs windows. Mr. Murphy answered yes. Ms. McConnell stated that with that it seems like they would have a different amount of space from the corner to the window on one side than the other. Mr. Murphy stated that they could get that space to be the same amount on both sides.

Public Comment

PilarOlivo stated that she is so excited that she found this community in downtown Frederick. She stated the her and her husband plan to move into this neighborhood with their three young children and that is why they have asked to make so many changes so they can accommodate their large family.

Staff Recommendation

Staff recommends approval of the application with the following conditions:

- New windows must be wood and match the product specifications approved in the original application.
- The new rear door must match the product specifications for the half-light doors approved in the original application for other buildings in the development.
- The rear door must align with the window above it and a W-2 or W-5 window must be maintained at the rear first floor.
- The basement windows receive the same treatment as the basement windows shown on the rear in the approved drawing set for HPC11-110.

Motion: Kate McConnell moved to approve the application with the following conditions:

- New windows must be wood and match the product specifications approved in the original application and arched lintels be used in the side elevation for the new windows.
- The new rear door must match the product specifications for the half-light doors approved in the original application for other buildings in the development.
- The rear door must align with the window above it by moving to the exterior corner on the right side of the building when facing the rear and a W-2 or W-5 window must be installed and aligned with the left window when looking at the rear on the rear elevation.
- The 3 proposed basement awning windows will have lintels as approved on HPC11-110.
- All revisions should be submitted to staff for approval.

Second: Timothy Wesolek

Vote: 6 - 0

13. HPC11-510

Amendments to Level II approval

Lisa Mroszczyk

28 Lord Nickens Street

**Housing Auth. of City of Fred.
Mike Murphy, agent**

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that the applicant is seeking the following amendments to a Level II approval for new construction:

- Front elevation:
 - Construct of a 6" concrete stoop at the front entrance.
 - Relocate the door to align with one of the second floor windows and reduce its width by four inches.
 - Add a third window to the first floor and align all windows with those on the second floor.
 - Reduce the size and pitch of the previously approved awning.
- Rear elevation
 - Add a second window at the first floor of the two story section.
 - Relocate a small second story window.

- Add a second window in the one story section and reposition the previously approved window
- Side elevation
 - Remove the approved paired windows from the first floor.
 - Remove the approved center window from the second floor.

Applicant Presentation

Mike Murphy, with Nexus Energy Homes, concurred with staff and he discussed the awning with the buyers and they are willing to either have it open at the end or to go with a shed style.

Commission Questioning/Discussion

Ms. McConnell asked what the revision to the awning was. Mr. Murphy answered that they needed to reduce the angle of the awning in order to get it under the window above since they were adding. In reducing that angle staff had recommended opening the front or going to shed style awning.

Mr. Baker asked why the windows on the front are narrower than the ones on the top. Mr. Murphy answered that was the window size that was already there before they added a window and moved the door. Mr. Baker stated that he would rather see the windows be the same width. Mr. Murphy stated that they would be willing to change the smaller windows to W-1 windows to match the others if that is something the Commission wanted. Ms. Mroszczyk stated that it would be more appropriate in terms of style to have larger windows on the first floor but from her perspective she was recommending approval based on the fact that they have already been approved. She stated they are basically adding a window and relocating some. Mr. Murphy stated that he would be willing to find another size that could fit what Mr. Baker suggested if he could get staff approval on it.

Mr. Baker asked if they were lowering the slope because they thought the roof ridge and window would intersect or the flashing. Mr. Murphy answered probably more the flashing but it is very close. He did not think it would look right for that peak to be an inch or two underneath the window. They felt that lowering that would be more aesthetically pleasing than that but again they are open to either way. He added that there is a shed style right next door that they could adopt to. Mr. Winnette stated that when they originally designed this there was an attempt to vary the types of treatments over the doors to something other than the shed style. Mr. Baker stated that they may want to consider maintaining a high and finished opening on what he considered a higher style architecture from the historic precedent that is reflected in this design. Mr. Murphy stated that he would be perfectly happy keeping that angle as steep as possible to not be butting up against that window above. He wanted to hold off a little bit from the bottom of the window so that they can stay below the brick ledge but if they are able to stay just below that course and flash it properly then he will hold that angle as tight as possible.

Mr. Winnette asked if they would hold the original design and change the angle of the awning but would not leave it open. Mr. Baker replied that in his opinion it would comply with the Guidelines more so because of what he is reflecting as relatively higher style architectural proportion they would want a steeper entrance way enclosed since it is more formal. Ms. McConnell asked if a 12 over 10 pitch would work. Mr. Murphy answered yes.

Ms. McConnell asked if the windows and doors were spaced evenly across the façade or are they grouped in two groups. Mr. Murphy answered that they are evenly spaced across the façade.

Public Comment

Joe Dilloin, the prospective buyers of 28 Lord Nickens Street, stated that they are very excited about this project and are happy to find the only home in that community that has the master bedroom on the first floor. He stated that they are asking for these adjustments so that the home will better suite their needs

and the needs of their daughter. They are flexible as far as the awning is concerned and just ask that the Commission approves the changes.

Staff Recommendation

Staff recommends approval of the application with the following conditions:

- The dimensions of the concrete stoop must correspond with the awning above.
- New windows must be wood and match the product specifications approved in the original application.
- The end of the awning is left open or a shed style awning that matches a previously approved design is used.

Motion: **Kate McConnell moved to approve the application with the following conditions:**

- **The dimensions of the concrete stoop must correspond with the awning above.**
- **New windows must be wood and match the product specifications approved in the original application.**
- **The awning maintains the pitch as closely as possible to the approved application and the gable end is closed with a final design to be approved by staff.**
- **Windows in the first floor be W-1 windows that are an additional 6 inches in height to be approved by staff. If this window as described is not available than W-1 windows will be installed in the first floor.**

Second: **Stephen Parnes**

Vote: **6 - 0**

The meeting was adjourned at approximately 10:45 PM.

Respectfully Submitted,

Shannon Albaugh,
Administrative Assistant